

Please File In Case No. 1:00-cv-01090-SHR Document 46 Filed 11/20/2000 Page 1 of 5
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
 Harrisburg Division

JOHN RICHARD JAE,
 Plaintiff,
 vs.

DR. ROBERT CLARK, et al.,

Defendants.

CIVIL NO. 1:00-cv-01090-SHR
 U.S. DISTRICT JUDGE Ram
 Magistrate Judge Sny
 NPV 20 2000
 MARY E. D'ANDREA CLERK
 Deputy Clerk

PLAINTIFF'S APPEAL TO THE U.S. DISTRICT COURT
 JUDGE FROM THE U.S. MAGISTRATE JUDGE'S ORDER OF
 NOVEMBER 7, 2000

COMES now, the Plaintiff & as a cause in the above entitled
 Civil Action, John Richard Jae, as a Layman litigated in the first & second
 the Laws & Legal Procedures within the United States & while
 Plaintiff's Appeal to the U.S. District Court Judge from the
 Magistrate Judge's order of November 7, 2000, it is hereby ordered,

1- On October 6, 2000, U.S. Magistrate Judge J. Andrew Smyser,
 the following Order, herein in the above entitled CIVIL ACTION,

11 AND NOW, this 6th day of October, 2000 IT IS HEREBY ORDERED
 that within fifteen days of the date of this order defendants Dragovich,
 Palakovich, Novotney, Kazor and Andrade shall file any
 relevant evidence they wish concerning the issue of
 imminent danger and a supplemental brief in support of
 their motion. Within fifteen days after the filing
 of the before and evidence by defendants Dragovich,
 Palakovich, Novotney, Kazor and Andrade, the
 Plaintiff shall file any relevant evidence
 he wishes concerning the issue of imminent
 danger and a brief in opposition to the
 motion to revoke his ^{an} in forma
 pauperis status. 111

1/ See the U.S. Magistrate Judge's order of
 October 6, 2000, herein this case, at 10-11.

2. On October 23, 2000, corrections Defendants Dragonich, Palakanic, Novotney, Kazan & Andrade, by cause, their relevant evidence & supplemental Brief, herein the

3. On or about October 30, 2000, this Plaintiff files his Motion For Enlargement of Time, in which to file serve his relevant evidence & brief in opposition to defendants' motion to revoke Plaintiff's In Fama pauperis. And to defer filing of responsive pleading to Plaintiff's Amended Complaint, herein this case.

4. On November 7, 2000, U.S. Magistrate Judge Smy issued the following Order on Plaintiff's above Motion for Enlargement of Time, herein this case:

"And Now, this day of November, 2000, IT IS HEREBY ORDERED that the Plaintiff's motion (doc. 4) for an enlargement of time to file his supplemental brief in opposition to the motion of defendants Dragonich, Palakanic, Novotney, Kazan and Andrade to revoke his In Fama pauperis status is GRANTED. The Plaintiff shall file relevant evidence he has concerning the issue of imminent danger and a supplemental brief in opposition to the motion to revoke his In Fama pauperis status and before December 15, 2000. No further extensions of time will be granted."

And this Order is dated November 7, 2000.

5. Plaintiff now files his Appeal to the U.S. District Judge from the U.S. Magistrate Judge's November 7, 2000 order, because such is unfair and unjust, based upon

i. Plaintiff appeals from and specifically objects the part of the above-referenced U.S. Magistrate Judge's which states/orders, that:

"No further extensions of time will be granted."

have photocopies made of his Brief in Opposition to Defendants' Motion To Revoke Plaintiff's In Firma Status And To Deferring of Responsive Pleading, Plaintiff's Amended Complaint, nor with which to purchase enough paper and carbon paper to make carbon copies of such Brief, herein this case.

III- That Prison officials here at SCI-Greenfield do not provide any free photocopying of legal documents, not even when the Prisoner-Plaintiff is totally financially indigent, as this plaintiff herein is.

IV- That, in accordance with Pa. Dept. of Corrections Administrative Directive, DC-ADM. #803. VI-C, Plaintiff, as an indigent inmate, is entitled to receive more than 100 sheets of paper per month, every 30th day.

V- That, this above-referenced 30 day period, goes from the 1st day of each calendar month until the day of each calendar month -

VI- The Prison Librarian is the person who gives such free papers to Indigent inmates here at SCI-G, however, the Prison Librarian has, in violation of Prison Policy, illegally refused to give this indigent prisoner/plaintiff any more free paper for the month of November, 2000, even though he has only received 50 pieces of paper and 5 carbons thus far in November, 2000.

VII- That, Plaintiff's Reply Brief in opposition to Corrections Defendants' motion to Revoke Plaintiff's In Firma Fauperis status is forty (40) pages, Plaintiff needs three (3) copies of such (one copy for counsel, herein, and a copy for himself) for a total of 120 pages/pieces of paper.

VIII- Thus, Plaintiff does "not" have enough paper.

present due date for such of December 15, 2000
and thus he will still need one (1) more enlargement
of time of (20) twenty days or until January 4, 2001.

In order to enable him to receive enough papers to
and serve his Brief in Opposition to Corrections Dept.
Motion To Revoke Plaintiff's In Forma Pauperis Status
And To Defend Filing Of Responsive pleading To Plaintiff's
Amended complaint herein in this case, but the U.S.
Magistrate Judge has unfairly denied him such here-
by ordering No further extensions of time will be given.

IX. That, this same U.S. Magistrate Judge has on several occasions and repeatedly allowed & granted prison officials/Defendants and their attorneys more than one enlargement of time at a time when they have requested such in Plaintiff's various Prison Lawsuits before this Court and thus herein he is showing favoritism to Prison Officials & their attorneys & it's discriminating against this Plaintiff, which is unfair & unjust.

X. That, by his order of November 7, 2000, herein, U.S. Magistrate Judge illegally denies this Plaintiff 1st & 14th Amendments, U.S. Constitution of Rights of access to the Courts and due process of the law given the facts that because of & based upon that stated herein above & supra, there is just no way possible that Plaintiff can file his Brief by December 15, 2000, heretofore this case.

CONCLUSION

(W) HEREBY, Plaintiff John Richard Doe, says that the Court/District Judge will reverse the November 7, 2000 order of the U.S. Magistrate Judge, herein, and order that Plaintiff shall be permitted to request one (1) more enlargement of time to file his Brief heretofore = AND HE SHALL EVER RESPECTFULLY GUARANTEE

Dated=13th NOVEMBER 2000-

(S) ~~JOHN RICHARD DOE, Plaintiff~~
~~and his cause~~

GAE VS. CLARK, et al.
CIVIL No. 1:CV-00-1090
CERTIFICATE OF SERVICE

I Certify under penalty of perjury & pursuant to 28 U.S.C. §1746, that on: 11/14/00, I mailed to the persons listed below by FIRST CLASS MAIL, Registered Mail or other & correct copy each of the Plaintiff's Appeal to U.S. District Court/Judge from The U.S. Magistrate Judge's Order of November 7, 2000.

I Certify under penalty of perjury & pursuant to 28 §1746, that on: 11/14/00, I gave to prison officials for mailing to this court, the original of the above document.

MR. JAMES D. YOUNG,
LAVERY, FATHERLY, YOUNG & PATTERSON, PC - ASSISTANT COUNSEL
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Pennsylvania Department of
Office of the Chief
Secretary
55 Unity Drive
CAMP HILL, PA. 17011

Dated/Executed on:
14th NOVEMBER 2000
at Waynesburg, Pennsylvania

(S) — John Richard
MR. JOHN RICHARD
Plaintiff and Plaintiff